

JON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

*Filed
1/22/2009*



ANNE MILGRAM
Attorney General

DAVID SZUCHMAN
Director

August 12, 2009

Mailing Address:
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

BY CERTIFIED AND REGULAR MAIL

Rebecca Boncheck, V.M.D.
Chesterfield Veterinary Clinic
650 Route 206 South, Suite I
Bordentown, New Jersey 08505

Re: **I/M/O REBECCA BONCHECK, V.M.D.**
Complaint Number: 08-046

Offer of Settlement in Lieu of Disciplinary Proceeding

Dear Dr. Boncheck:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (the "Board") has had an opportunity to review information it received concerning your professional conduct following its consideration of a consumer complaint filed by Elizabeth J. Ferraro, Ed.D. The complaint alleges, among other contentions, that you engaged in negligence and that you failure to respond to an emergency regarding the treatment which you rendered to her two (2) year cat, "Tigger," on or about April 5, 2008.

Specifically, the information reviewed by the Board included, but is not limited to, the following:

1. A complaint, filed on or about April 5, 2008, by Elizabeth J. Ferraro, Ed.D., as well as any and all attachments and exhibits; and
2. A letter, dated May 27, 2008, from Rebecca Boncheck, V.M.D., as well as any and all attachments and exhibits.

Upon review of all available information, the Board has found that probable cause exists to support a finding that you failed to comply with the provisions of the Veterinary Medical Practice Act and its accompanying regulations which are administered by the Board, in violation of N.J.S.A. 45:1-21(h). Specifically, the Board found that you failed to provide emergency care contrary to N.J.A.C. 13:44-4.7.

The Board's review into this matter revealed that Tigger was presented to you, at Chesterfield Veterinary Clinic ("Clinic"), at approximately 9:30 a.m. on April 5, 2008. The owner had called earlier on the same day requesting an emergency appointment for Tigger. Ms. Ferraro asserts that prior to any examination of the cat, she was presented with an estimate of \$420.00 and told that it was the Clinic's policy to collect an estimated deposit prior to the rendering of any veterinary medical care. Ms. Ferraro refused to provide this advance payment and maintained that the veterinarian/client/patient relationship was terminated. The owner further asserts that, at the time of the presentation of the estimate for veterinary services, you had failed to assess the condition of Tigger in order to make a reasonable determination as to whether or not an emergency existed or as to what treatment, if any, was needed and the estimated associated costs.

In your May 27, 2008 correspondence to the Board, you maintain, among other contentions, that you did not engage in negligence in your treatment of Tigger. Rather, you admit that, on April 5, 2008, the cat was ". . . never examined or treated" by the Clinic despite the fact that the owner presented Tigger for a condition she perceived to be an emergency. Moreover, you advise in your letter, that at no time did you refuse to examine or treat Tigger and that you in fact timely released patient records to Ms. Ferraro.

The Board, following its review of the submitted information in this matter, has concluded that you failed to respond appropriately and provide emergency care to Tigger on April 5, 2008. Specifically, the Board concludes that in the early morning of April 5th, an emergency visit was requested and the owner was advised to bring the cat to the Clinic. The owner, upon arrival, was given an estimate with demand for deposit without an emergency examination or discussion of a treatment plan. This fact is confirmed by your letter in which you admit that the cat was never examined or treated by you or anyone else at the Clinic. Rather, the Board finds that Tigger should have been triage and/or assessed, a treatment plan formulated and then the demand for deposit made. The Board finds that the facts as detailed above indicate that you failed to provide appropriate emergency care, in violation of N.J.A.C. 13:44-4.7.

At this juncture, the Board has determined that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has decided that it will first offer you an opportunity to settle this matter, thereby avoiding the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from future violations of N.J.A.C. 13:44-4.7, namely the refusal to provide emergency care; and
2. Pay a civil penalty in the amount of **\$1,500.00** for failure to provide appropriate emergency care; to be paid immediately upon your signing of the acknowledgment at the bottom of this letter; for your violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.7.

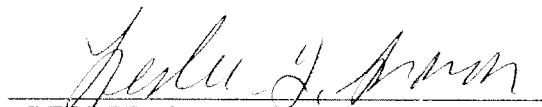
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event that you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's Office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event that formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an Order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions, concerning this letter or the settlement offer herein, I suggest you contact Deputy Attorney General Olga E. Bradford who may be reached at (973) 648-3696.

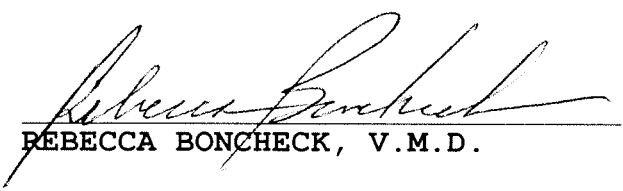
If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate disciplinary action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By:


LESLIE G. ARONSON
Executive Director

ACKNOWLEDGMENT: I, **REBECCA BONCHECK, V.M.D.**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of **\$1,500.00** for failing to comply with the requirements of N.J.A.C. 13:44-4.7. I also agree to comply with all other requirements set forth in this settlement letter.


REBECCA BONCHECK, V.M.D.

DATED:

cc: Olga E. Bradford, Deputy Attorney General